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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,008	08/21/2003	Randall E. Aull	MS304410.1/MSFTP463US	6222

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EXAMINER	
GELAGAY, SHEWAYE	

ART UNIT	PAPER NUMBER
2137	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/645,008	AULL ET AL.	
	Examiner	Art Unit	
	Shewaye Gelagay	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22,25-32 and 35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22,25-32 and 35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/7/06,6/7/06,1/16/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group 1, claims 1-22, 25-32 and 35 in the reply filed on 2/6/07 is acknowledged.

2. Claims 1-22, 25-32 and 35 have been examined.

Claim Objections

3. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 8 in which claim 9 depends on recite a limitation "the physical interface is at least one of or a combination of the following: a human; a cradle; a dock; a cord; a wand; a wire; and a touch pad". Claim 9 fails to further limit claim 8 because there is a possibility that the "a touch pad" might not be selected. Appropriate action is required.

4. Claim 31 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 31 is not of independent form because it can be infringed without infringing Claim 1. Someone possessing a disk with a copy of a program implementing the method from claim 1

would infringe claim 31 but they would not infringe claim 1 since the code on the disk would not actively perform method steps.

5. Claim 32 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 32 is not of independent form because it can be infringed without infringing Claim 25. Someone possessing a disk with a copy of a program implementing the method from claim 25 would infringe claim 32 but they would not infringe claim 25 since the code on the disk would not actively perform method steps.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 3-7, 12-13, 15, 20, 22, 25, 28-30 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3-7, 12-13, 15, 20, 22, 25, 28-30 and 35 recite "installation protocol and/or an authentication protocol", the phrase "and/or" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "and/or"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

8. Claims 10 and 20-22 contain the trademark/trade name USB™. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe "the physical interface" and, accordingly, the identification/description is indefinite.

9. Claim 31 recites the limitation "the compute executable components" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 31 and 32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 31 and 32 are directed towards a computer program product on computer readable medium wherein the computer operable media is not defined by the specification as being a storage medium. Applicant's specification discloses, "Computer readable media may include a communication media ...modulated data signal such as a carrier wave..." (page 29,

lines 22-page 30, line 8) but does not specifically mention that the downloaded program product is stored in a storage medium. Examiner further suggests amending the claims limitation should be amended to specify that the computer operable media is a storage medium.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-5, 8, 10, 12, 14, 20, 25-26, 31-32 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Phillips et al. (hereinafter Phillips) US Patent Number 6,721,555.

As per claims 1, 12, 20, 25, 31-32 and 35:

Phillips teaches a physical device bonding system that facilitates device installation and/or authentication comprising:

a physical interface component that physically couples at least two devices; (figure 1, item Rm; col. 7, lines 41-57) and

an invocation component that invokes an installation protocol and/or an authentication protocol for a non-physical connection upon the at least two devices

physically coupling. (figure 1; col. 4, line 54-col. 5, line 63)

As per claims 2 and 14:

Phillips teaches all the subject matter as discussed above. In addition, Phillips further discloses a system at least two devices further comprising at least one wireless device and at least one network entity. (figure 1)

As per claim 3:

Phillips teaches all the subject matter as discussed above. In addition, Phillips further discloses a system the installation protocol and/or the authentication protocol invokes the installation and/or authentication during a physical connection. (col. 5, lines 6-25)

As per claim 4:

Phillips teaches all the subject matter as discussed above. In addition, Phillips further discloses a system the installation protocol and/or the authentication protocol is utilized to invoke installation and/or authentication after a physical connection is disengaged. (col. 5, lines 56-64)

As per claims 5 and 26:

Phillips teaches all the subject matter as discussed above. In addition, Phillips further discloses a system that infers installation protocols and/or authentication protocols to establish the non-physical connection between a wireless device and a network entity. (col. 4, line 54-col. 5, line 63)

As per claim 8:

Phillips teaches all the subject matter as discussed above. In addition, Phillips further discloses a system the physical interface is at least one of or a combination of the following: a human; a cradle; a dock; a cord; a wand; a wire; and a touch pad. (figure 1, item Rm; col. 7, lines 41-57)

As per claim 10:

Phillips teaches all the subject matter as discussed above. In addition, Phillips further discloses a system the physical interface is a universal serial bus (USB) cable. (figure 1, item Rm; col. 7, lines 41-57)

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 6, 9, 15-19, 21, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (hereinafter Phillips) US Patent Number 6,721,555 in view of Plasson et al. (hereinafter Plasson) US Patent Number 6,795,688.

As per claims 6, 21, 27 and 30:

Phillips teaches all the subject matter as discussed above. Philips does not explicitly disclose the invocation component utilizes a daisy chain scheme to invoke the installation protocol and/or authentication protocol. Plasson in analogous art, however,

discloses invocation component utilizes a daisy chain scheme to invoke the installation protocol and/or authentication protocol. (col. 10, line 34-col. 11, line 11; col. 17, lines 53-67) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Phillips with Plasson in order to provide a system dynamically configuring a device, adapted to be communicatively coupled in a wireless personal area network, with an attribute corresponding to the device. (col. 5, lines 43-45; Plasson)

As per claim 9:

Phillips teaches all the subject matter as discussed above. Philips does not explicitly disclose a touch-pad comprising a conductive material. Plasson in analogous, art, however, discloses a touch-pad comprising a conductive material. (col. 10, lines 8-17) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Phillips with Plasson in order to provide a system to communicate information and command selections. (col. 10, lines 9-10; Plasson)

As per claim 15:

Phillips teaches all the subject matter as discussed above. Philips does not explicitly disclose the physical interface component comprises a plurality of device installation and/or authentication protocol(s) that provides the installation and/or authentication of a plurality of non-physical connections. Plasson in analogous, art, however, discloses the physical interface component comprises a plurality of device installation and/or authentication protocol(s) that provides the installation and/or

authentication of a plurality of non-physical connections. (figure 3A)

As per claims 16 and 18-19:

The combination of Phillips and Plasson teaches all the subject matter as discussed above. In addition, Plasson further discloses a system the non-physical connections between the plurality of devices and the at least one network entity are independent and separate. (figure 1, item 190)

As per claim 17:

Phillips teaches all the subject matter as discussed above. Philips does not explicitly disclose the device is at least one of a wireless adapter; a wireless speaker; a wireless headset; a wireless keyboard; a wireless mouse; a wireless monitor; a wireless personal digital assistant (PDA); a wireless access point; and a wireless MP3 player. (col. 10, lines 8-55) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Phillips with Plasson in order to provide a system dynamically configuring a device, adapted to be communicatively coupled in a wireless personal area network, with an attribute corresponding to the device. (col. 5, lines 43-45; Plasson)

16. Claims 7, 11, 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (hereinafter Phillips) US Patent Number 6,721,555 in view of Silvester US Publication Number 2003/0172271.

As per claims 7, 22 and 29:

Phillips teaches all the subject matter as discussed above. Philips does not explicitly disclose a token key that stores the installation and/or authentication protocols

of at least one wireless device during the physical connection between the wireless device and the physical interface component, the token key facilitates invocation of the installation protocol and/or authentication protocol for the at least one wireless device during the physical connection between the physical interface component and a network entity, such that a non-physical connection is established between the at least one wireless device and the network entity. Silvester in analogous art, however discloses a token key that stores the installation and/or authentication protocols of at least one wireless device during the physical connection between the wireless device and the physical interface component, the token key facilitates invocation of the installation protocol and/or authentication protocol for the at least one wireless device during the physical connection between the physical interface component and a network entity, such that a non-physical connection is established between the at least one wireless device and the network entity.(page 8, paragraph 105-page 9, paragraph 109) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Phillips with Silvester in order to have a system for a wireless device set-up and authentication utilizing authentication initialization token. (page 1, paragraphs 1 and 18; Silvester)

As per claim 11:

The combination of Phillips and Silvester teaches all the subject matter as discussed above. In addition, Phillips further discloses a non-physical connection is at least one of: a wireless connection; an optical connection; and an infrared connection. (figure 1)

17. Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (hereinafter Phillips) US Patent Number 6,721,555 in view of Chaskar et al. (hereinafter Chaskar) US Publication Number 2005/0066044.

As per claims 13 and 28:

Phillips teaches all the subject matter as discussed above. Philips does not explicitly disclose utilizing an artificial intelligence technique to facilitate installation and/or authentication of a device. Chaskar in analogous art, however, discloses utilizing an artificial intelligence technique to facilitate installation and/or authentication of a device. (page 5, paragraph 51) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Phillips with Chaskar in order to facilitate probability of success regarding satisfying the mobile device current location determination needs. (page 5, paragraph 51; Chaskar)

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form Pto-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shewaye Gelagay SG

MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137